



01-14-07

1644

Express Mail No.: EL 500 577 619 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Korngold and Huang

Confirmation No.: 5960

Application No.: 09/206,786

Group Art Unit: 1644

Filed: December 7, 1998

Examiner: A. DeCloux

For: CD-4 DERIVED PEPTIDES THAT  
INHIBIT IMMUNE RESPONSES

Attorney Docket No.: 8666-007-999

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

In response to the Communication mailed on December 13, 2002 in connection with the above-identified patent application, Applicants submit herewith a copy of the submission filed on September 24, 2002, including: (a) Reply to Notice to Comply with Amendment (with Exhibit A); (b) copy of Notice to Comply; and (c) Petition for Extension of Time for one month, duly signed.

No fee is believed due; however, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of the sheet is attached for accounting purposes.

Respectfully submitted,

Date January 13, 2003

29,258

Thomas E. Friebel

(Reg. No.)

By:

40,203

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Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,786	12/07/1998	ROBERT KORNGOLD	8666-007-999	5960
20583	7590	07/29/2002		
PENNIE AND EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, NY 100362711			WD Johnson	
<div style="border: 1px solid black; padding: 5px; text-align: center;"><p>REFEE REC'D</p><p>AUG 01 2002</p><p>Patent &amp; Trademark O.K. for filing</p></div>			EXAMINER	
			DECLOUX, AMY M	
			ART UNIT	PAPER NUMBER
			1644	19
			DATE MAILED: 07/29/2002	

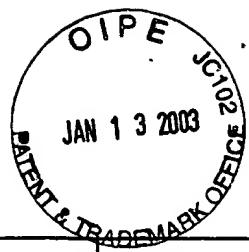
Please find below and/or attached an Office communication concerning this application or proceeding.

\* Notice to comply with Seq. Rules 8/29/02 ✓

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/206,786	12/07/98	Korngold	8666-007-999

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JAN 16 2003  
TC 1700

EXAMINER	
Amy DeCloux	
ART UNIT	PAPER NUMBER
1644	
DATE MAILED:	

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

Sequences without SEQ ID NO: tags are disclosed on pages 5, 14, 19, 20, 25 and 26. Therefore, this application contains sequence disclosures that are or are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). This application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicants are required to submit a disk and paper copy of the sequences according to the attached "Notice to Comply with the Sequence Rules." Applicant is reminded of the sequence rules which require a submission for all sequences of more than 9 nucleotides or 3 amino acids (see 37 C.F.R. 1.821-1.825) and is also requested to carefully review the submitted specification for any and all sequences which require compliance with the rules.

Applicant is given TIME PERIOD of ONE EXTENDABLE MONTH, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)

2. Mailed to:  
**U.S. Patent and Trademark Office**  
**Box Sequence, P.O. Box 2327**  
**Arlington, VA 22202**

3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
**U. S. Patent and Trademark Office**  
**2011 South Clark Place**  
**Customer Window, Box Sequence**  
**Crystal Plaza Two, Lobby, Room 1B03**  
**Arlington, Virginia 22202**

4. Hand Carried directly to the Customer Window at:  
**2011 South Clark Place**  
**Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,**  
**Arlington, Virginia 22202**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy DeCloux whose telephone number is (703) 306-5821. The examiner can normally be reached Monday through Friday from 9:00 am to 6:00 pm. Or a message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Amy DeCloux, Ph.D.  
Patent Examiner  
Group 1640  
July 26, 2002

*Amy DeCloux*  
7-26-02

JAN 13 2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: See attached communication, regarding the requirement to identify sequences disclosed in the specification with a unique SEQ ID NO: tag.

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**